1. D.B. CIVIL SPECIAL APPEAL NO.790/1997.
(State of Rajasthan & Ors. Vs. Dungar Sngh)

2. D.B. CIVIL SPECIAL APPEAL NO.1000/1997.
(State of Rajasthan & Ors. Vs. Bhopal Singh)

3. D.B. CIVIL SPECIAL APPEAL NO.821/1997.
(State of Rajasthan & Ors. Vs. Rodi Lal)

Date :16.02.2005.

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK LALL MOHTA

Mr.Hem Raj Soni, Govt. Advocate.

These three special appeasl arise from the common judgment of the learned Single Judge dated 26th April, 1997 whereby he allowed all the three writ petitions filed by the respondent in each of the appeal and set aside the order of Board of Revenue and Subordinate Revenue Authorities following the Division Bench judgment of this Court in Anandi Lal Vs. Baord of Revenue reported in 1995 RLR (1) 555.

The learned Single Judge has found that there was a gross delay of about 8 years in making the reference on the part of the Additional Collector to the Board of Revenue which is fatal in view of the decision of this Court in Anandi Lal's case (supra). It is submitted by the learned Additional Government Advocate

that the Anandi Lal's case has been distinguished by another Division Bench judgment in Mangi Lal & Ors. Vs. State of Rajasthan & Ors., reported in 1998 (1) WLC 625. Recently we had a occasion to deal with both the cases. We have found no conflict in both the judgments. The judgment in Anandi Lal's case still hold good. It is held therein that such powers can be exercised within a period of one year. However, in para 25 it is observed that such power an be exercised even after one year in exceptional cases. The Additional Collector making reference has not given any reason for the delay of 8 years. Thus, we are of the view that the learned Single Judge has rightly decided the writ petition relying on the decision in Anandi Lal's case (supra).

In view of the aforesaid all the three special appeals filed by the State stand dismissed.

(MANAK LALL MOHTA),J. **(N.N.MATHUR),J**

ashwini/-